

RESPONSE UNDER 37 C.F.R. § 1.111
Application Serial No. 09/214,865
Attorney Docket No. Q52837

REMARKS

Claims 1, 3-7, 9-15 and 46-54 are pending in the Application and have been examined.
Claims 16-20, 26-30, and 39-45 were previously withdrawn from consideration.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3, 11, 14, 49, 50, 53, and 54 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kanda et al. (U.S. Patent No. 5,348,013, hereinafter “Kanda”) in view of Wood et al. (U.S. Patent No. 5,715,823, hereinafter “Wood”). These grounds of rejection are traversed.

With respect to claim 1, Applicant submits that the combination of Kanda and Wood, even assuming *arguendo* that the Examiner’s asserted motivation to combine their teachings is proper, fails to reasonably teach or suggest all the claim limitations. For instance, neither Kanda nor Wood, whether taken alone or in combination, teaches or suggests at least the feature of the host computer which “includes reception level comparison means for comparing most recent data of the reception level data or an average of continuous reception level data pieces containing the most recent data with a predetermined reception level setup value”, as claimed.

In this regard, Applicant notes that the Examiner initially relies on Kanda, which is alleged to teach an inspection system with a probe and a main body, a computer, a data storage section for storing specimen inspection data, where the data is reception level data and the computer includes means for comparing recent data to a predetermined setup value. *See* Office Action at page 2. However, Kanda does not suggest that the ultrasonic diagnostic apparatus is connected to a host computer by a transmission line. Rather, the ultrasonic diagnostic apparatus

of Kanda is a self-contained unit, in which the detection and processing of the ultrasonic signals are performed within the apparatus itself, as clearly evidenced by the probe 2, display system 10, signal correction system 20, phase detecting section 30, which are all provided in the same unit. *See, e.g.*, Kanda at col. 6, lines 48 - col. 8, line 1. Indeed, the “computer” identified by the Examiner in the grounds of rejection is merely the CPU 24, or the central processing unit, of the diagnostic apparatus itself. Further, the Examiner asserts that “Kanda et al does not teach the computer being a ‘host’ computer and does not teach a plurality of inspection systems being connected to a host computer through a transmission line.” *See* Office Action at page 2.

To compensate for the deficiencies of Kanda, the Examiner relies on Wood, which is alleged to teach a host computer connected to a plurality of ultrasonic inspection systems, each with its own storage unit, and the ultrasonic inspection system receiving reception level data and transferring this data to the host. *See* Office Action at page 2. Wood, however, merely teaches remotely accessing and controlling an ultrasound imaging system which is connected to a Hyper Text Transport Protocol (HTTP) server 30 and accessed via a “commercially available Web browser” at a remotely located personal computer 100. *See* Wood at col. 3, lines 18-39. As taught by Wood, ultrasonic images that are “obtained from the ultrasound system’s image store 24a” are simply transmitted to the remote PC and displayed in response to a request for the images which is transmitted by the web browser. *See* Wood at col. 9, line 40 -col. 10, line 8. Further, Wood teaches that the web browser may be configured to remotely operate mode control switches of the ultrasonic diagnostic apparatus, which allows the parameters of the ultrasonic diagnostic apparatus, such as “2D and Color modes” to be selected from the web

browser by transmitting commands to the diagnostic apparatus via the HTTP server. *See* Wood at col. 11, line 25 - col. 12, line 7.

By contrast, claim 1 requires a host computer that includes a reception level comparison means for comparing most recent data of the reception level data or an average of continuous reception level data pieces containing the most recent data with a predetermined reception level setup value. Wood merely teaches that images are transmitted from an ultrasonic diagnostic apparatus and displayed on a “commercially available Web browser.” Wood does not suggest that the HTTP server or the remotely located PC compare most recent data, nor does Wood suggest that the HTTP server or the remotely located PC compare an average of continuous reception level data pieces containing the most recent data with a predetermined reception level setup value. Rather, as taught by Wood, the detection and processing of the ultrasonic image data is performed at the ultrasonic diagnostic imaging system 10. *See* Wood at col. 2, line 57 - col. 3, line 17.

As a result, Wood fails to suggest a host computer which includes reception level comparison means, as defined by claim 1. Therefore, the combination of Kanda and Wood is deficient with respect to *at least* this feature.

Further, Applicant submits that the combination of Kanda and Wood fails to teach or suggest the feature of the host computer including “a determination means for analyzing the specimen inspection data and determining whether or not a specimen contains a defect.” Initially, Applicant notes that the Examiner has not addressed this limitation in the rejection of claims 1 and 11. Moreover, as discussed above, Kanda, which teaches the detection and

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processing of the ultrasonic signals are performed within the apparatus itself, clearly fails to teach a host computer. Further, as evidenced by the foregoing discussion of Wood, the “commercially available Web browser” simply displays images that are transmitted from a remotely located ultrasonic diagnostic apparatus and merely transmits mode control commands to the ultrasonic diagnostic via an HTTP server. Accordingly, the combination of Kanda and Wood additionally fails to teach or suggest the host computer including determination means, as defined by claim 1.

With respect to independent claim 11, Applicant notes that claim 11 similarly requires determination means for analyzing the specimen inspection data and determining whether or not a specimen contains a defect. Accordingly, for similar reasons as discussed above with respect to claim 1, Applicant submits that the combination of Kanda and Wood fails to teach or suggest *at least* this feature.

As evidenced by the foregoing, the combined teachings of Kanda and Wood fail to teach or suggest all the limitations of independent claims 1 and 11. Further, claims 3-7, 9-15 and 46-54 are believed to be allowable at least by virtue of depending from claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 3-7, 9-10, 12-15 and 46-54 is respectfully requested.

Claims 4-7, 46-48, 51 and 52 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable of Kanda in view of Lather et al. (U.S. Patent No. 4,240,281), claims 9, 10, 12, and 13 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kanda et al. in

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view of La Pierre (U.S. Patent No. 5,951,611), and claim 15 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kanda et al. in view of Senba (JP 404310859).

Applicant notes that claims 4-7, 9-13, 15, 46-48, 51 and 52 depend from claim 1, and are therefore believed to be allowable at least by virtue of their respective dependency. Further, Applicant submits that the rejection of these claims is improper at least because Kanda, as conceded by the Examiner, fails to teach all the limitations of claim 1 and the grounds of rejection fail to demonstrate that Lather et al, La Pierre, or Senba, teach or suggest the limitations of claim 1 which are admittedly deficient in Kanda. Accordingly, reconsideration and withdrawal of the rejection of claims 4-7, 9-13, 15, 46-48, 51 and 52 is requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: **March 1, 2006**